HOW THE PRINCIPLE OF MASLAHA CAN GUIDE THE FOREIGN POLICY OF A MUSLIM STATE

Raziq Hussain

Abstract

Beginning with a brief etymological-lexical analysis of the term, this article investigates the genesis, meaning, usage, and scope of the principle of maslaha[1] (simply defined as what is best) in its theological-jurisprudential context. Taking it in a binary opposition to mafsada (simply translated as what is detrimental or harmful), it presents maslaha as the ratio legis or purpose of divine legislation (tashri) or, more precisely, Islamic law/sharia. Drawing on this theological consideration, it then moves on to the conceptualization of maslaha by Imam al-Ghazali, Shahīd al-Thāni, and Imam Khomeini. It argues in the light of the views of these three Muslim jurists that maslaha is directed more at warding off mafsada to a Muslim state or society than at seeking advantage/benefit without compromising on ideological, moral, legal, or ethical principles or tenets of Islam. While showing that the principle of maslaha is not by any means an ideological Trojan Horse to pursue and further "un-Islamic" interests, this article then provides a theoretical account of the operationalization and application of the principle in the domain of foreign policy of Muslim states. It argues and shows with an example that maslaha–if utilized properly in line with the essence of Islamic world view—can play a major role in solving a number of Muslim states' foreign policy issues and dilemmas as it takes into account the situational factor or realities (both internal and external) of the time in the context of the general principles of Islamic jurisprudence and presents solutions to them.

Key Words: *Maslaha, Mafsada, Foreign policy, Muslim state, Islamic Jurisprudence, Imam Ghazali, Sharia, Ijtihād*

Introduction

Everything God has sent down or ordained is for the benefit of human beings. His commandments and prohibitions, revealed through prophets, are based on masaleh (pl. of maslaha) and mafāsid (pl. of mafsada) of human beings. One of the major objectives of all divine religions is, therefore, to organize human society as well as relations in a way that it benefit all humans while keeping the element of divinely-informed spirituality intact in them. Islam, being the final and most comprehensive of all religions, has a well-defined programme for the welfare, well-being, and salvation of all human beings. Based on its sense of universalism, Islam urges and encourages its followers to live with their fellow humans in harmony and peace. "Living in harmony," however, does not mean that Muslims are allowed to forgo Islamic ideals and established principles. Rather, there are

some principles (usūl) in Islamic jurisprudence—drawn from the Quran and the Tradition—that outline how to interact and deal with "others." Among the principles, one is maslaha which guides individual Muslims as well as states in their dealings with "others" –be they individuals or states. Speaking of a Muslim state, maslaha can play a major role in rescuing it from a number of potential dangers in its foreign policy domain by emphasizing the need to be realistic about and cognizant of both internal and external realities. While warning against romanticizing the situation in a utopian way, it also call for observing the essence of Islamic world view as visualized in Islamic scripture. Maslaha, in this way, present an approach to foreign policy which is rooted in "Islamic rationality" and is linked with expedient Islamic way of problem-solving.

Based on this hypothesis, this article discusses the genesis, nature, and scope of the principle in its theological-jurisprudential context and how it could guide leaders of Muslim states in formulating their foreign policies, especially with regard to non-Muslim states. In so doing, it is divided into three sections. First section explores the genesis, meaning, and locale of the principle with reference to theology and principles of jurisprudence (usūl al-fiqh). Second section deals with the conceptualization of maslaha by bringing in the views of Abu Hamid al-Ghazali (450-505 AH/1058-1111 AD), better known as Imam al-Ghazal, and Zain al-Din al- Amili (911/1506-966/1559), well-known as Shahīd al-Thāni. This section also touches on Imam Khomeini's (1900/1902-1989) conception of maslaha and its application in the Islamic republic system produced by the Islamic revolution in 1979. Third section elaborates how an Islamic government can utilize the principle to avoid incursion of possible dangers into it. This section also examines application of the principle with reference to the necessity of helping an oppressed (mustaz'af). Finally, a brief conclusion is given to recapitulate important points and to make some suggestions regarding policy options and further research.

Explaining Maslaha: Its Genesis, Meaning, and Scope

Maslaha—derived from sa-la-ha (sa'ad, lā'm, hā)—has been defined in al-Munjid as "something that pushes [someone] towards salāh [opposite fasād [2]]," or something which spurs someone into actions that aimed at his/her own benefit (nafa') or that of his/her people.[3] Ibn-e Manzūr has defined maslaha with salāh (lit. improvement, feasibility, usefulness, and utility) and salāh as opposite of fasād [4]—commonly translated in English as corruption which conveys a sense of deterioration, degeneration, and spoliation the ultimate result of which is harm and damage. For him, mafsada (something which causes or brings about fasād) is hence opposite of maslaha.[5] Taken as such, maslaha can be viewed as a factor which directs human actions towards what is best (also right) and away from what is bad (also wrong). Maslaha is sometimes viewed as synonym of "manfa'ah" (advantage/benefit).[6] There is no doubt that the concept of maslaha includes the sense of manfa'ah, yet its usage in Islamic literature shows that it is more about avoiding risks and dangers (to things discussed below) than to seek advantage. Based on this consideration,

this article views maslaha in binary opposition to mafsada (detrimental/harmful/corrupting).

Setting aside the debate over whether maslaha is an independent source of jurisprudence or not, there is broad agreement among scholars of Islamic jurisprudence that maslaha is the ratio legis (illah/manāt/milāk in Arabic) of all divine pronouncement (ahkām; pl. of hukm), defined as "the legislation (al-tashri) emanated from God to organize/manage (tanzīm) human life."[7] According to Jaˈfar b. Khizr, better known as Kashif al-Ghita (1743-1812), the ratio legis of the ahkām is the masāleh (pl. of maslaha) or mafa'sid (pl. of mafsada) of the believers, pertaining to this world or the hereafter.[8] In simple words, thou shalts and thou shalt nots of the Islamic sharia are "purely for the advantage of His creatures" and to "avert disadvantage" from them, respectively.[9] It is interesting to note that Sheykh al-Sadūq, a 10th century (AD) Shia theologian, penned down a two-volume book, entitled Ilal al-sharāyiˈ (The Ratios Legis of the Divine Rulings), gathering narrations of the Prophet and the Ahl al-Bait regarding the logics and reasons of theological tents and sharia obligations. The book contains 647 chapters (ab'wāb in Arabic) or more precisely entries, which means the author has provided reasons for 647 theological and legal issues, derived from different narrations.[10]

According to ilm al-usūl al-fiqh (the science of the principles of jurisprudence) the ahkām are divided into five categories (ahkām al-khamsa), based on their inherent level of "benefit" (maslaha) and "detriment" (mafsadah). Accordingly, for example, if fasting is obligatory (wajib), it is because of the high degree of benefit embedded in it, and if drinking alcohol is prohibited (haram), it is due to the detriment it has for human life and, by extension, society. In between the two there are the ahkām of 'karahat" (aversion), "istihbab" (approbation/preference), and "ibahah" (permissibility), all having different degrees of maslaha and mafsada.[11]

As divine ahkām are not confined to and exhausted in ibadāt or rituals, the above-mentioned logic of ahkām runs also through what can be called as non-ritualistic aspects of human life, including, for example, interpersonal relations, business transactions, mutual agreements, and so on. It would not be an exaggeration even to say that a great majority of ahkām are related to non-ritualistic dimensions of human life. And, if it is established that the ahkām related to ibadāt are embedded in maslaha, it follows then that those pertaining to non-ibadāt are also based on the logic of maslaha. In simple words, ahkām in general seek the best for all human beings whether they are about rituals (such as offering salah or formal prayers) or managing public relations (such as marriage or trade).

What can be drawn from the above discussion is that maslaha is the ratio legis of Islamic law. To put in another way, the whole edifice of Islamic legal system is based on maslaha. If there is a clear/explicit text (nus) in the Quran or the Sunnah regarding an issue, one has to believe in and accept the existence of maslaha in it. And, if the case is otherwise (that

is, absence of a clear text), it raises the following questions. First, who is then authorized to determine what is maslaha and how. Second, what if a situation arises in a manner that acting on an explicit text or proof (dalīl) is sure to incur unbearable damage or harm on a greater number of a Muslim population?

As to the first question, those who have all the qualification to exercise ijtihād—commonly referred to as mujtahidīn or foqaha—are authorized as well as capable of discerning what is in the interest (or say maslaha) of the larger Muslim population in an emergent situation. It is however not that they would do so outside the legal framework of Islam, that is, they would refer to the general principles of Islamic jurisprudence, such as "qaida naf-ye taklīf ma la yutāq" or the "rule of the negation of what is beyond one's capacity."[12] If the situation is too complex to be understood in a pure legal context owing to technicalities, the jurists can seek assistance of concerned experts to fully grasp the nature of the issue(s) at hand so that they could not be mistaken in exploring the maslaha of the people. A good example of this type of mechanism is the presence of "Majmˈa-e Tash'khīs-e Maslahat-e Nizām" (Expediency Discernment Council of the System) in the Islamic Republic of Iran, composed of jurists as well as non-clerical experts, to discern, inter alia, the expediencies of the system (nizām).

In case of the conflict between an explicit text and the maslaha of a Muslim population, there are provision in Islamic jurisprudence that allow flexibility, albeit temporary, vis-à-vis the sharia rulings, provided it does not run contrary to the spirit of sharia. An Islamic government, for example, can utilize rulings pertaining to secondary issues (anāwīn-e thanawi) while suspending the rulings, albeit temporarily, connected with primary issues (anāwīn-e aw'wali).[13] The Islamic government can also invoke "rules of emergency" (ah'kām al-idhterari'yah) if acting on primary rulings (al-ahkām al-awwaliya) bring unbearable pain and harm to the Islamic society under the jurisprudential rule of "the negation of hardship and harm" (qaida-ye naf-ye usr wa harj).[14] It all entails, as hinted above, a rigorous ijtihād—which is defined literally as the "employment of effort, strength, and endeavor to the utmost,"[15] and technically in ilm al-usūl as "the process of deriving/deducing divine injunctions from its sources" (amliya-tu istin'bat al-ahkām min masadirihā)[16]—on the part of jurists. If the task of discerning maslaha is undertaken without taking into account all the dimension of the situation or in haste, it may end up in violating the primary rules pertaining the issue and in bringing disaster to the society, something which the logic of maslaha itself negates.

It is evident from the above discussion that maslaha-seeking is not something un-Islamic. It is rather an approach to solve complex issues and to fulfill changing needs of an Islamic government and society in a sharia way. Maslaha, therefore, is not a token for violating sharia in the name of delivering benefit to a Muslim population. The operationalization and employment of the principle of maslaha has certain conditions, chief among which is that it must not violate established theological and jurisprudential principles and rules of

the religion. There is no provision in sharia that allow the breach of the Islamic criteria for something which is ostensibly in the interest of a group of Muslims. It is not allowed, for example, to worship idols or drinking wine to rally the support of a non-Muslim powerful state for an Islamic cause. Maslaha, to conclude in a single sentence, is an expedient and rational approach to the problems and needs of a changing world with its own conditions and criteria the negligence of which can turn it into a Machiavellian tool in the hands of corrupt and selfish people.

Conceptualization of Maslaha: The Views of Ghazali, Shahīd al-Thāni, and Imam Khomeini

Abu Hamid al-Ghazali was a prominent Persian philosopher, jurist, theologian, and mystic/sufi. He authored many books on diverse issues. His celebrated book on ilm al-usūl is al-Mustasfa min Ilm al-Usūl. In al-Mustasfa, Ghazali has discussed the principle of maslaha in quite a comprehensive way. His division of maslaha into three type—namely, the one which is accepted/acknowledged by sharia, the one which is rejected by sharia, and the one neither accepted nor rejected by sharia[17]—shows that he has viewed maslaha neither as a monolithic concept nor without confines. While rejecting the notion of maslaha as seeking benefit (jalb al-manfa'a) and avoiding harm (daf al-dharar), he has seen it in a more theological way. For him, maslaha, immanent in the divine law, is the "preservation" of the objectives of the sharia (maqsūd al shar'), comprising of five basic elements (al-usūl al-khamsa) for human beings, namely, "religion, life, intellect (aql), lineage (nas'l) and property (mā'l)'. And, whatever assures the preservation of these five elements is maslaha, and whatever fails to preserve them is maf'sada. The removal of mafsada is, thus, maslaha.[18] As the preservation of the five elements is of the dharoriyāt (lit. overriding necessities), as against hajiyāt (lit. needs) and tahsiniyāt wa tazyenāt (the enhancing and refining), it has the highest degree of maslaha.

Zain al-Din al- Amili, better known as al-Shahīd al-Thāni, was a prominent Shia theologian and jurist of 16th century AD. Much of his work is on theology (ilm al-kalām) and jurisprudence. His commentary on Muhammad b. Makki al-Amili's (734/1333-4-786/1384; well-known as al-Shahīd al-awwal) book Al-Lum'a al-Dimashqiyya fi fiqh al-Imamiya—entitled as Al-Rawda al-Bahiyya fi sharh al-lum'a al-dimashqiyya—is his major work on fiqh. The popularity and significance of this book can be discerned by the fact that it is still taught and debated in Shia religious institutions throughout the world. As to his conception of maslaha, he has discussed it in the first volume of Al-Qawaiˈd wa al-Fawaiˈd. In al-Qawaid, he has stated that divine legislation either seek benefit (jalb al-nafa') for or avert harm from human beings. And, the two objectives of the sharia are either related to this world or the hereafter. Drawing on the objective of sharia rulings, he has explained the division of ahkām among, inter alia, ibadāt and mu'amalāt in a very interesting fashion. For him, every hukum which is aimed at the hereafter is "ibadat" or "kaf'fara," and every hukum which is directed towards this world is "mu'amala."[19] For al-

Shahīd al-Thāni, no divine ruling has been revealed except to safeguard the five objectives (maqāsid al-khamsa) which consists of the preservation of life, religion, intellect, lineage, and property."[20]

The above two paragraphs show that there is a striking similarity between the views of al-Ghazali and Shahīd al-Thāni regarding maslaha. Both have viewed the preservation of life, intellect, linage, religion, and property as the ratio legis of sharia. Both are also of the view that everything which endangers the five objectives/elements is mafsada and, hence, against the essence of Islamic law. They have also opined that if acting on an explicit ruling of sharia is sure to endanger either of the five elements in a general way, that ruling can be forgone temporarily until the imminent (not speculative or imaginary) danger is averted. To cite an example, what if a group of Muslims are held captive and used as a shield (al-turs) by a non-Muslim army against Muslims? For the two, if Muslims have no other way to reach the non-Muslims except by killing the Muslims held in their captivity or not killing the Muslim captives pose threat to dar al-Islam, then Muslim combatants are allowed to do so. Here, Ghazali has asserted that if Muslim combatants do not kill their fellow Muslim captives to break the defense of the enemy, there is every possibility that the infidels or polytheists would kill the latter after the former overrun the Muslim land.[21]

Though Ghazali and Shahedd al-Thāni were writing in a time when the world was divided largely into territorially unstable and fluid empires and there was no idea of sovereign nation states as we have today, their conception of maslaha is still relevant. By properly employing the principle of maslaha a Muslim state can avoid a number of dangers even today. This was something Imam Khomeini understood after the establishment of an Islamic republic in Iran. One can find a number of reference to the necessity of understanding and applying the principle in his statements. While seeing the traditional way of doing ijtihād inadequate to identify and fulfill the interests of the society,[22] Khomeini advocated bringing in the "factor of time and place" in ijtihād and underlined the need to take into account the changing subject-matters of Islamic commandments/laws (mao'dhuāˈt-e ahkām). While delivering his "Charter of the Clergy" (manshur-e Rūhāniy'yat) on February 22, 1989, he reminded the clerical stratum of the Iranian society that

> Time and space [zamān-o makān] are the two determining elements of ijtihād…it means that with precise recognition of the economic, social and political relations, the same earlier issue which apparently makes no difference with the one in the past has indeed become a serious subject, which naturally call for a new ruling. The mujtahid should be knowledgeable of the issues of his own time… A mujtahid must have the acumen, tact and sagacity of guiding a grand Islamic and even non-Islamic society… Government is the manifestation of the practical dimension of jurisprudence in dealing with all the social, political, military and cultural questions.

> Jurisprudence is the real and complete theory of administrating man from cradle up to the grave.[23]

The nodal point of Khomeini's conception of maslaha was the belief that "Islam adjusts material matters in such a way that they merge with divine affairs."[24] Though opponent of compromising on the ideals of the Islamic revolution, he emphasized the need to identify the masleh of the system and society and act accordingly, paying attention simultaneously to the realities of world politics, requirements of the time, and objectives of the revolution. To him, any negligence of and indifference to the expediencies of the system and people was a potential danger to Islam.[25] Khomeini's acceptance of UNSCR 598 (which he equated with drinking the poisoned chalice)[26] that bring an end to the bloody 8-year-long Iran-Iraq war can be cited as an obvious example of the application of the principle of maslaha.

Application of the Principle of Maslaha in Foreign Policy of a Muslim State: Theoretical Considerations

There are 195 states in the world, including 193 members of the UN and the state of Palestine and the Holy Sea.[27] Of the 195 states, 57 are members of the Organization of Islamic Cooperation (OIC) which means they are Muslim-majority countries as per the charter of the OIC.28 These figures show that Muslim states have to interact not only with their fellow Muslim states, but also with non-Muslim-majority states. Given the interdependent nature of international relationships, no Muslim state can envisage having no relations with non-Muslim states (simply 'others' or 'other states' hereafter). Furthermore, Islam does not preach a policy of having no relations with others. Rather, it calls for peaceful coexistence and mutually beneficial interaction (see, al-Quran, 3:64). That said, leaders of Muslim states do not have all the freedom—at least in principle—to formulate their foreign policy objectives and strategies the way they want, that is, they have to be mindful of certain constraints and commitments, outlined by sharia. The theoretical operationalization of the principle of maslaha in foreign policy of a Muslim state should therefore be seen within the context of those constraints and commitments.

How a Muslim state should determine its foreign policy direction in line with the principle of maslaha in a given situation? Generally speaking, when a Muslim state is faced with an external situation, it has to decide on a course of action which neither contradicts the essence of Islamic moral-legal principles nor jeopardize what Imam Ghazali has termed "al-usūl al-khamsa" or what Al-Shahīd al-Thāni has called "al-maqāsid al-khamsa." In so doing, the leadership of the Muslim state has to undertake a thorough evaluation of (i) the needs and wants of the state-society complex, (ii) its actual capabilities as well as restraints (both material and non-material), (iii) the realities of the external milieu, (iv) and the theoretically possible ramifications or the consequences of policy choices. Importantly, this all has to be done within the context of the general principles of Islamic law and its underlying objectives. If there arises any inconsistency or conflict between

what has been determined as the best possible policy option and the relevant sharia option, the principle of maslaha can solve the dilemma by bringing flexibility to the latter.

Note that the principle of maslaha does not warrant "un-islamization" of foreign policy of a Muslim state. Rather, it prevents self-destruction in the name of Islamic idealism. It requires leaders to be realistic in their foreign policy approach by emphasizing the need to take into consideration both internal and external realities. A classic example of this type of maslaha is the Peace Treaty of Hudaybiy'yah' (Sulh al-Hudaybiy'yah) signed by the Prophet with the pagan Qureshite leaders of Mecca in 628 AD on conditions apparently disadvantageous to Muslims, signified by the opposition and displeasure showed by some of his companions.[29] The signing of this treaty was not by any means a retreat from the right of Muslim to perform pilgrimage (hajj). It was, rather, a well-calculated strategy to safeguard the lives and property of Muslims in a dangerous and unfavorable environment. After all, Islam does not occasion "throwing [yourselves] with your [own] hands into destruction."[30]

One example would suffice to illustrate how the principle of maslaha can guide foreign policy of an Islamic state in modern times. It is evident from the Quran and the Sunnah that helping an oppressed is an Islamic duty. The Quran says, "And what is [the matter] with you that you fight not in the cause of God and [for] the oppressed among men, women, and children... (4:75). In Nahj al-Balāghah, Imam Ali has been reported as having said in his will to his sons, Hasan and Husyn, "be enemy of the zalim (oppressor), and supportive to the muzlūm (oppressed)."[31] Is this Islamic duty be undertaken without any other considerations? What appears is that the fulfillment of this duty has some requirements and conditions, such as

- The struggle of the "oppressed" against the "oppressors" must be just.
- The Muslim state should have the capability to support the "oppressed" because, according a tradition, nine things have been removed [pardoned] from the umma of the Prophet, one among which is "what they are unable to afford/do."[32]
- The "oppressed" should have appealed for help.[33]
- The support from the Muslim state should not cause more oppression on the "oppressed."[34]
- It should not cause the violation of an already agreed accord between the Islamic government and any other government where the "oppressed" class struggles for its rights. In other words, if the Islamic state has signed any accord of non-interference in internal affairs of other states and the support of the "oppressed" is legally regarded as such an interference, the "principle of the fulfillment of covenants" (asal efā al-ahd) takes priority over the support of the "oppressed."[35]

Conclusion

The Islamic world view, informed primarily by the Quran and the Tradition, is based on the well-being, welfare, betterment, and salvation of all human beings regardless of their race, color, and ethnicity. Islam wants to elevate every human being to the possible

degree of perfection. This objective is fully reflected in Islamic law or sharia. Sharia seeks what is best for human beings both in this world and the hereafter, and prevents what is detrimental form them in both of worlds. As human beings are essentially social by nature, sharia is also concerned with the management of human society and relations. This includes relations between wider human associations such as states. There were no states in the modern sense during the era of legislation (asr-e tashri) which means one cannot find direct reference in the Quran or the Tradition—the primary sources of Islamic law—to concepts such as foreign policy. Yet, what is included in the two primary sources of the sharia regarding the management of relations between two groups of people or even two individuals is relevant and applicable to that of modern states. Moreover, a great number of general jurisprudential principles and theological tents can also be taken as instrumental guides in directing foreign policy of a Muslim state. What requires is the exercise of ijtihād by competent and qualified Muslim jurists.

The principle of maslaha is one among many principles that has the potential to salvage Muslim states in their foreign affairs from a number of catastrophes. If employed in its proper theological-jurisprudential setting, it can solve various foreign policy dilemmas of Muslim states by adapting aspects of sharia to the dynamics and realities of international system. While keeping the essence of sharia intact, it can also safeguard the life, property, lineage, intellect, and religions of the Muslim nation (ummah), living in majority in 57 states.

As stated above, maslaha is not a token for violating Islamic law in the name of safeguarding the interests of a Muslim state. It is neither a cost-benefit approach in the sense of political realism to policy options and choices. It is, on the contrary, a rational approach—based on the correlation of reason (aql) and shar'—that provides solutions to emergent problems in accordance with general principles of Islamic jurisprudence. In its pure form, it resonates with the Quranic verse "God intends for you ease (yusr) and does not intends you hardship (usr)" (2:158).

Keeping in view the significance of the principle of the maslaha for the state-society complex of Muslim countries as well as the prospect of it being abused or misused, this article calls for the undertaking of scientific research on the meaning, scope, and application of the principle by scholars well versed in both Islamic and contemporary sciences. It would be an ideal scenario if it is done in some institutional or organizational set-up, gathering ulama from all Islamic schools of jurisprudence, scholars from different disciplines of sociopolitical, economic, and geostrategic fields, experts and practitioners. Governments in Muslim countries can take the initiative and get benefit from it. They can also formalize such an initiative (consider the example of Expediency Council in Iran). As to Pakistan, the government can utilize the existing institutional set-up of Council of Islamic Ideology (CII) to study, debate, and research the principle (including various theoretical and possible dimensions of its application) as well as to make policy

recommendations in line with it. The only requirement is to enlarge the CII to include scholars and experts from the above-recommended scholarly fields and social strata.

REFERENCES

1.Written in Arabic as "مصلحة." When pronounced as a single word, the circular Tā at its end converts into circular Hā.

2.According to Raghib Isfahani, fasād refers to deviation from "a'etidal" (moderation/equilibrium) and "istiqamah" (straightness/balance/stability). Mafsada, for him, is thus something which brings harm by causing deviation from them. See, Imam Raghib Isfahāni, al-Muf'radāt fi Gharib al-Quran (Beirut: Dar el-Marefah, nd), 379.

3.Louis Ma'luf, Al-Mun'jid fi al-Lughah, 19th ed. (Beirut: al-Matba'ah al-Kathulaikiyyah, nd), 432.

4. Ibn-e Manzūr, Lisan al-Arab (Qahirah (Cairo): Dar al-Ma'arif, nd), 2479.

5. Ibid., 3412.

6.. For an account of the lexical and technical meanings of the term see, among other, Abul Qasim Ali Doost, Fiqh wa Maslahat, 4th ed. (Tehran: Sazman-e intisharat pojuhishgah-ye farhangh wa undesha-ye islami, 1395), 82-87.

7.Ayatollah Muhammad Baqir al-Sadr, Durūsun fi Ilm al-Usūl, (Lectures on the Science of Principles), vol. 1 & 2 (Islamabad: al-Mustafa International Center for Translation and Publication, 1434/2015), 63.

8.Ja'far b. Khizr Kasshif al-Ghita, Kashf al-Ghita un Mubhamat al-Shariah al-ghar'ra (Unveiling the cover from ambiguities of the glorious sharia), vol. I, 2nd ed. (Qum: Muassisa Bustan-e Ketab, 1379/2000), 143.

9.Ayatollah Sayyid Fadhel Hosseini Milani, The Core of Islam, 2nd Reprint (Qum: Ansariyan Publications, 2011), 19.

10.See, Al-Sadūq, I'lal al-Sharayi', vol.1-2, (Beirut: Dar al-Murtada, 1727/2006). See also, among others, Khizr Muhammad Nabha, Musnad al-Hishām b. al-hakum (Mashhad: Majma al-Bohoth al-Islamiay, 1434/2013), 182-190.

11.Al-Sadr, Dorusun fi Ilm al-Usul, 177.

12.The said qaida is derived from the Quranic verse of "God does not task any soul beyond its capacity" (2:286).

13.See, for example, Ayatollah Muhammad Asif Mohsini, Tawzīh al-Masā'ill-e Siyāsi (The Explanation of Political Issues) (Kabul: Kamesiyūn Farhanghi Shura-ye Ulāma-ye Shia Afghanistan, 1432/2011), 30.

14.For more details on qaida-ye naf-ye usr wa harj see, Sayyid Fadhel Hosseini Milani, Thirty Principles of Islamic Jurisprudence (Qum: Ansariyyan, 2011), 45-49.

15.Imam Raghib Isfahāni, al-Muf'radāt fi Gharib al-Quran (Beirut: Dar el-Marefah, nd), 101.

16.Al-Sadr, Durūsun fi Ilm al-Usūl, 61.

17.Abu Hamid al-Ghazali, al-Mustasfa min Ilm al-Usūl, 4 vols, (The Chosen from the Science of the Principles of Jurisprudence), vol. 2 (Jeddah: Sharikat al-Madina al-Munawwara li al-taba'ah wa al-nashr, n.d), 471.

18.Al-Ghazali, al-Mustasfa, 482.

19.Al- Shahīd al-Thāni, Al-Qawai'd wa al-Fawai'd, vol. 1 (Qum: Manshurat-e Maktabah al-Mufid, nd), 30-35.

20.Ibid, 38.

21.See, al-Ghazali, 488. Al-Thāni, Al-Rawda al-bahiyya fi sharh al-lum'a al-dimashqiyya, vol. 2, 12th ed. (Qum: Majme' al-Fikr al-Islami, 1437/2015), 19.

22.See, Institute for Compilation and Publication of Imam Khomeini's Works (hereafter ICPIKWs), Sahifeh-ye Imam, trans. Mansoor Limba, vol. 21 (Tehran: ICPIKWs, 2008), 171.

23.ICPIKWs, Sahifeh-ye Imam, vol. 21, 290.

24.ICPIKWs, Pithy Aphorisms: Wise Sayings and Counsels [of Khomeini], (Tehran: ICPIKWs, 1994), 12.

25.ICPIKWs, Sahifeh-ye Imam, vol. 20, 441.

26.ICPIKWs, Sahifeh-ye Imam, vol. 21, 87-89.

27.See, "United Nations Member States," accessed June 5, 2020, https://visit.un.org/sites/visit.un.org/files/FS_List_member_states_Feb_2013.pdf,

28. For the list of OIC members visit, https://www.oic-oci.org/states/?lan=en.

29. See, Muslim b. al-Hajja, Sahi Muslim (Riyadh: Darrussalam, 1421/2000), 795-797.

30. Al-Quran, 2:195.

31. Al-Sharif al-Radhi, Nahj al-Balaghah (Qum: Mu'assasah al-Rafed, 1431/2010), 560.

32. Al-Sadūq, Al-Tawhīd (Beirut: Dār al-Ma'rifa, nd), 353.

33. Sayyid Sadigh Haghighat, Mabāni, Usūl wa Ahdāf-e Siyāsat-e Kharaji-ye Dawlat-e Islami (Foundations, Principles, and Objectives of the Foreign Policy of the Islamic Government) (Qum: Pajuhishgah-e Ilm wa Farhangh-e Islami, 1385/2006), 93.
34.Ibid., 93.
35.Ibid., 127.

Bibliography:

Al-Ghazali, Abu Hamid. *Al-Mustasfa min Ilm al-Usūl.* 4 vols, (The Chosen from the Science of the Principles of Jurisprudence). vol. 2. Jeddah: Sharikat al-Madina al-Munawwara li al-taba'ah wa al-nashr, n.d.
Al-Hajja, Muslim b. *Sahi Muslim.* Riyadh: Darrussalam, 1421/2000.
Al-Radhi, Al-Sharif. *Nahj al-Balaghah.* Qum: Muˈassasah al-Rafed, 1431/2010.
Al-Sadr, Ayatollah Muhammad Baqir. *Durūsun fi Ilm al-Usūl,* (Lectures on the Science of Principles). vols. 1 & 2. Islamabad: al-Mustafa International Center for Translation and Publication, 1434/2015.
Al-Sadūq, Abu Jafar. *Al-Tawhīd* (Beirut: Dār al-Maˈrifa, nd), 353.
Al-Sadūq, Abu Jafar. *Iˈlal al-Sharayiˈ.* Vol.1-2. Beirut: Dar al-Murtada, 1727/2006.
Al-Thāni, Al- Shahīd. *Al-Qawaiˈd wa al-Fawaiˈd*. vol. 1. Qum: Manshurat-e Maktabah al-Mufid, nd.
Al-Thāni, Al- Shahīd. *Al-Rawda al-bahiyya fi sharh al-lum'a al-dimashqiyya*. Vol. 2, 12th ed. Qum: Majme' al-Fikr al-Islami, 1437/2015.
Doost, Abul Qasim Ali. *Fiqh wa Maslahat*. 4th ed. Tehran: Sazman-e intisharat pojuhishgah-ye farhangh wa undesha-ye islami, 1395/2016.
Haghighat, Sayyid Sadigh. *Mabāni, Usūl wa Ahdāf-e Siyāsat-e Kharaji-ye Dawlat-e Islami* (Foundations, Principles, and Objectives of the Foreign Policy of the Islamic Government). Qum: Pajuhishgah-e Ilm wa Farhangh-e Islami, 1385/2006.
Ibn-e Manzūr, Muhammad b. Mukarram. *Lisan al-Arab*. Qahirah (Cairo): Dar al-Ma'arif, nd.
Institute for Compilation and Publication of Imam Khomeini's Works (ICPIKWs). *Sahifeh-ye Imam*. Translated by Mansoor Limba. Tehran: ICPIKWs, 2008), 171.
Institute for Compilation and Publication of Imam Khomeini's Works (ICPIKWs). *Pithy Aphorisms: Wise Sayings and Counsels [of Khomeini]*. Tehran: ICPIKWs, 1994.
Isfahāni, Imam Raghib. *Al-Muf'radāt fi Gharib al-Quran.* Beirut: Dar el-Marefah, nd.
Kasshif al-Ghita, Jaˈfar b. Khizr. *Kashf al-Ghita un Mubhamat al-Shariah al-ghar'ra.* (Unveiling the cover from ambiguities of the glorious *sharia*). Vol. I, 2nd ed. Qum: Muassisa Bustan-e Ketab, 1379/2000.
Ma'luf, Louis. *Al-Mun'jid fi al-Lughah*. 19th ed. Beirut: al-Matba'ah al-Kathulaikiyyah, nd.
Milani, Ayatullah Sayyid Fadhel Hosseini. *The Core of Islam*. 2nd Reprint. Qum: Ansariyan Publications, 2011.
Milani, Fadhel Hosseini. *Thirty Principles of Islamic Jurisprudence.* Qum: Ansariyyan, 2011.
Mohsini, Ayatollah Muhammad Asif. *Tawzīh al-Masāˈill-e Siyāsi* (The Explanation of Political Issues). Kabul: Kamesiyūn Farhanghi Shura-ye Ulāma-ye Shia Afghanistan, 1432/2011.
Nabha, Khizr Muhammad. *Musnad al-Hishām b. al-hakum.* Mashhad: Majma al-Bohoth al-Islamiay, 1434/2013.